

V. Remarks

This amendment is in response to the Office Action dated May 20, 2004 having a shortened statutory period set to expire three months from the mailing date or August 20, 2004. This Amendment timely and in response thereto.

By this Amendment, Applicant has made the changes suggested by the Examiner on Page 2, Paragraphs 1-6 and Page 3, Paragraphs 1, 2, 5 and 6.

A Supplemental Information Disclosure Statement made pursuant to 37 CFR §1.97(d)(2) accompanies this Amendment.

The Declaration of Delbert J. Thomas, Jr., pursuant to 37 CFR §1.132 also accompanies this Amendment.

The rejection of claims 1-6 under 35 U.S.C. §112 first paragraph, (Page 1, Paragraphs 3 and 4) as failing to comply with the enablement requirement is addressed hereinafter. For reasons set out and in view of the Supplemental IDS and 132 Declaration, it is submitted that additional drawings should not be necessary, that the disclosure is enabling to one of ordinary skill in the art and that the claims are properly supported.

The following sections of this Amendment reply to the Office Action and identify the issue addressed therein.

Office Action page 2, paragraphs 1-3. The Examiner in these paragraphs objected to the drawings and suggested that (a) the threaded connection be shown or marked as threaded connection in a boxed legend and (b) that the lead line from numeral 38 be extended.

Those changes have been made to Fig. 3. Both a red marked and a proposed substitute drawing are enclosed.

Office Action Page 2, paragraph 4. The word “an” has been deleted from the Abstract of the Disclosure, as requested by the Examiner. An appropriate substitution page has been provided.

Office Action Page 2, paragraphs 5 and 6. The title has been amended as suggested by the Examiner to “Rotary Vane Compressor With Interchangeable End Plates.”

Office Action Page 3, paragraphs 1 and 2. Paragraph numerals 38 and 40 in paragraph [00017] have been corrected.

Office Action Page 3, paragraphs 5 and 6. The rejection of claims 1-6 under 35 U.S.C. §112 has been noted. The term “plate” has been changed to “member” consistent with the other uses in the claims. More specifically, claim 1, line 7 and claim 6, lines 7 and 10 have been revised. This should resolve the issue in point.

Office Action, Page 3, Paragraphs 3 and 4. The Examiner rejected claims 1-6 under 35 U.S.C. §112 as failing to comply with the enablement requirement. Specifically, the Examiner stated,

“the claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains or with which it is most clearly connected, to make and/or use the invention. It is not clear how end plates 22 and 24 seal the inlet and outlet sections 34 and 36 of the adaptor members and how these sections communicate with the inlet and outlet ports in the end plates.”

This invention permits interchangeable use of end plates with either threaded or tube type ports.

The Supplemental IDS shows a rotary vane compressor with a muffler box end plate which includes a divider wall for separating inlet and outlet flow. Air flows from the muffler box/end plate inlet port to the compressor and similarly flows from the compressor to the outlet port. The separation of the incoming and outgoing air is affected by the divider wall in the

muffler box. The sealing of the muffler box to the compressor is by a gasket. Smooth machining of the parts is shown for sealing in other parts of the compressor. The declaration of Delbert Thomas under 37 CFR §1.132 accompanies this response, and provides and it provides the background and knowledge of one of ordinary skill in the art particularly as related to sealing and communication in air compressors.

This application provides, *inter alia*, an intermediate adapter plate which defines inlet and outlet sections, positioned between and engaging both the compressor body and an end plate and cooperates in defining flow paths from the inlet port to the inlet section to the compressor body and from the outlet section to the outlet port to the compressor body (see paragraphs [0008] and [0017-0020]). The sealing of various components is known to one of ordinary skill in the art and can be achieved either by a gasket, gasket material or close tolerances (i.e., smooth machining, see the Supplemental IDS and Thomas Declaration, paragraphs 7 and 8). Since a rotary vane compressor generates less than 25 psi, the metal parts are robust enough that they do not require additional sealing to provide adequate pressure retention (see Thomas Declaration, paragraph 9).

How the air flow path through the end plates and between the ports to the intermediate adapter sections should not be an issue. (See Thomas, paragraph 16). For example, the flow path could be linear, angular, circuitous or sinuous. The point is that there is flow through the plates, and communication between the ports and the sections. One of ordinary skill in the art is aware of rotating vane and linear double diaphragm compressors, their construction, operation and airflow patterns. (See Thomas Declaration paragraphs 8-13).

Thus, with little or no experimentation, (see Thomas Declaration, Paragraph 17 certainly not undue experimentation) one of ordinary skill in the art can easily make or use the invention

by providing an end plate construction which engages the intermediate adapter disclosed in the application so as to achieve the claimed construction.

The law is clear in that enablement is gauged by the subject matter claimed. As the Examiner admits, communication and sealing is claimed and/or disclosed.

The specification is written for one of ordinary skill in the art and is not intended to be a production specification. Thus, the need to show the precise sealing mechanism or communication mechanism is not essential for one of ordinary skill in the art to practice the invention. Moreover, a patent desirably omits what is known in the art and presumes that no undue experimentation is necessary to achieve applicant's invention. If the claim contains disclosure of material not in the description, the applicant can amend the specification.

The applicants have chosen not to amend the drawings although they retain the right to do so. In other words, the addition of drawings such as a cross-sectional view are not believed to be necessary for one of ordinary skill in the art to practice applicant's invention.

The applicant believes that the disclosure coupled with the knowledge of one of ordinary skill in the art is sufficient to permit one of ordinary skill in the art to make and use applicant's invention without undue experimentation. With respect to the law in this matter, applicant directs the Examiner's attention to Patents and the Federal Circuit, 6th Edition, Robert Harmon, Sections 5.2 (a) - (d), pages 215-224 inclusive, Copyright 1988, 1991, 1994, 1998, 2001 and 2003. Also see Thomas Declaration, paragraph 17.

Office Action, Page 4, Paragraph 1. The Examiner's indication of potentially allowable claims 1-6 is appreciated. It is believed that the amendments, arguments, Supplemental IDS and Thomas Declaration have addressed the issues raised by the Examiner. Claims 1-6 are believed patentable and allowance is requested.

Office Action, Page 4.

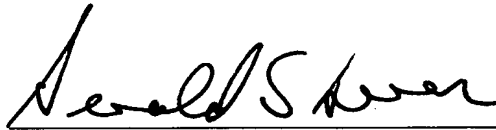
The citation of prior art is noted and the art is not believed to impact the patentability of the claims.

VI. Conclusion

By this response, applicant has made amendments requested by the Examiner and has argued the Examiner's rejection under 35 USC §112 first paragraph relating to enablement. It is respectfully submitted that this application is patentable, is in condition to be passed to allowance and allowance is requested. If there are any questions, please call applicant's attorney at 312-214-4803.

August 16, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald S. Geren", written over a horizontal line.

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